

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RENA F. WALKER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:08-CV-151
)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. [Doc. 27]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In his report and recommendation, Magistrate Judge Shirley recommended that Plaintiff's Motion for Attorneys Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Doc. 23], be granted.

The Court has carefully reviewed this matter, including the motion for attorney fees and supporting memorandum [Doc. 23; Doc. 24], the response of defendant Commissioner of Social Security [Doc. 25], in which the Commissioner argued that the ALJ's decision in this case was at least reasonable and substantially justified, and plaintiff's reply [Doc. 26]. In light of the lack of objections and because the Court is also in agreement with Magistrate Judge Shirley's report and recommendation, the Court **ACCEPTS IN WHOLE** the Report

and Recommendation [Doc. 27]. It is hereby **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that plaintiff's Motion for Attorneys Fees Under Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Doc. 23], is hereby **GRANTED**, and a judgment awarding plaintiff the amount of \$1,465.50 for attorneys fees shall be entered.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE